

LEICESTERSHIRE

FIRE and RESCUE SERVICE

Status of Report:

Agenda Item:

19

Meeting: Combined Fire Authority
Date: 25th June 2014
Subject: Fire Brigades Union Facilities Time
Report by: Chief Fire and Rescue Officer
Author: Mark Andrew (Head of HR and Planning and Performance)
For: Decision

1. Purpose

The purpose of this report is to bring the attention of the Combined Fire Authority (CFA) a request from the Fire Brigades Union (FBU) and to seek approval for a recommended course of action.

2. Executive Summary

- 2.1 The CFA has a long standing principle of supporting the Representative Bodies in order to deliver good employee and industrial relations. This is achieved through the Staff Consultation Forum (SCF) and the Joint Consultative Committee (JCC) and the provision of reasonable time off and trade union leave.
- 2.2 The situation and challenges the CFA and its workforce are now facing are unprecedented requiring a greater level and depth of consultation with Representative Bodies on policies, procedures, redundancies and organisational change. This is evidenced by the growing length of SCF agendas. In addition, staff are expecting support on one to one issues and matters such as redundancy handling. This has placed pressure on the FBU in particular and hence the Branch have requested some addition paid time for two officials, by a secondment to a part time post undertaking Union duties during the working day. This report considers this request.

3. Report Detail

- 3.1 There are currently 2 senior Brigade Officials for the FBU (Secretary and Chair) and 11 other Brigade Officials plus Branch representatives. The Brigade Secretary and Chair are relatively new to role but are proving invaluable in terms of joint working on the current dispute and organisational changes. In addition to reasonable time off, the CFA provides Trade Union leave of up to 30 days in total for official business such as training and conferences. So far this year 18 days have been taken by FBU officials.

- 3.2 It is in this context that the FBU has requested that the Brigade Secretary and Chair are each assigned 21 hours a week (average over a year to cater for 2-2-4 shift pattern) for union duties, with the remaining hours to perform normal work duties. A proposal to 'back fill' these roles has been presented and the Senior Management Team (SMT) believe that there is a workable solution to the split role. The exact details will be resolved if the request is approved. Any proposal will always be subject to the operational needs of the organisation and a sensible and workable solution.
- 3.3 The FBU have put forward the following benefits if this proposal is approved:
- The ability for management to have regular and consistent contact with the FBU Secretary and Chair, streamlining and ensuring swift responses at a very delicate and fast moving time.
 - The ability for the FBU Secretary and Chair to attend the many meetings for Staff Consultation in relation to the critical decisions being made surrounding the Organisational Change Project.
 - The ability for the FBU Secretary and Chair to accompany management at 'Early Bird' and station visits to re-enforce the joint working ethos we currently have and to ensure staff feel comfortable and supported through this very difficult time.
 - The ability to have trade union representation on the expanding health and safety sub-groups being developed, in line with the ambition to have all parties represented.
 - The ability for the FBU Secretary and Chair to have dedicated time to deal with members' problems and compile accurate and important reports to management rather than the current situation of trying to rush such tasks through during work time.
- 3.4 SMT have considered the request along with an assessment of the current picture of trade union leave, membership levels and the challenges facing the Service. It has concluded that a short term 'trial' of this arrangement can be justified. The correspondence from the FBU indicates that one of the current pressures is the on-going industrial action. This is likely to change once the new pension scheme is in place from April 2015. The trial could therefore run until the end of March 2015.
- 3.5 In order to manage the new arrangements and account for the time spent on duties it is proposed to enter an agreement with the FBU (A Facilities Agreement) in order to define the role and hours of work and require activity recording . If an agreement cannot be reached then the trial will not commence. As part of the agreement each official will be given a 21 hour per week, temporary contract to undertake their trade union duties, until the end of the trial. At the end of the trial a review of how the arrangement has operated will be undertaken. A further contract may be issued subject to the review.
- 3.6 Although a request for additional time has not been presented by any other Union it is suggested that a discussion takes place with the other unions, particularly Unison to ensure they will have enough time to represent their members over the

next few months.

4. Report Implications / Impact

4.1 *Legal (including crime and disorder)*

- a) The CFA formally recognises the Representative Bodies for consultation and bargaining purposes, at both a national and local level.
- b) Trade union officials are allowed reasonable time off with pay to undertake their duties. These are generally matters of industrial and employee relations and the amount of time given has to be reasonable and can be outside and within the working day, subject to the consent of the employer. In addition, the ACAS Code of Practice on Time Off gives some indication of the duties for which time off should be granted.
- c) Furthermore, reasonable time off is permitted for Union Learning representatives and a Union Health and Safety representative has a right to reasonable time off to perform his or her function.
- d) When a Union is recognised, the main rights accruing relate to consultation and the provision of information for matters such as collective bargaining on terms and condition, redundancy and TUPE.

4.2 *Financial (including value for money, benefits and efficiencies)*

The CFA will incur an addition cost of temporary promoting a part time Crew Manager and Watch Manager.

4.3 *Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)*

Ensuring that Union officials have sufficient time to undertake their duties in this difficult time is likely to assist the CFA in maintaining a good working relationship with its Representative Bodies.

4.4 *Staff, Service Users and Stakeholders (including the Equality Impact Assessment)*

- a) The benefit to staff of effective trade union representatives is not only good representation but reassurance that on important matters, such as potential redundancies, they will be consulted properly. This will give confidence regarding the fairness of process and any proposals.
- b) In addition, the check and challenge of Representative Bodies when seeking to reach an agreement often leads to a better outcome and management flexing their proposal in a positive way. This again assists with the wellbeing of the workforce.

4.5 *Environmental*

None arising.

4.6 *Impact upon Our Plan Objectives*

The policy will impact on the following objectives: Staff with the right skills, behaviour and attitudes to provide an excellent service.

5. Recommendations

The CFA is asked to:

- a) Approve a facilities and time off arrangement in line with the recommendations in section 3.4 and 3.5 for consultation with the FBU.
- b) Authorise the Chief Fire and Rescue Officer to enter a formal agreement with the FBU, following such consultation for a period up to 31st March 2015.

6. Background Papers

- a) Request for release of FBU Officials 21st May 2014.
- b) NJC/08/07 Joint Protocol on Industrial Relations

7. Appendices

None